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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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06/30/2001

Michael Yip

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10/27/2008

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EXAMINER

OSMAN, RAMY M

ART UNIT

PAPER NUMBER

2457

MAIL DATE

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10/27/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/895,145	<b>Applicant(s)</b> YIP ET AL.	
	<b>Examiner</b> RAMY M. OSMAN	<b>Art Unit</b> 2457	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. This communication is responsive to the amendment filed July 16, 2008, where Applicant amended claim 1 and cancelled claim 4. Claims 1-3,5-13 are pending.

### ***Response to Arguments***

2. Applicant's arguments, filed 7/28/2008, with respect to the rejection(s) of claim(s) 1-13 have been fully considered and are partially persuasive. However, upon further consideration, a new ground(s) of rejection is made as a 103 rejection in view of ExtremeWare Software User Guide (Software Version 6.1, Published April 2000).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claim 1-3,5-13 rejected under 35 U.S.C. 103(a) as being unpatentable over ExtremeWare Software User Guide (Software Version 6.1, Published April 2000).**

5. In reference to claim 1, ExtremeWare teaches a method for a standby router protocol (SRP) comprising:

assigning a VLAN participating in an SRP to a membership in a VLAN domain, the VLAN domain having a master VLAN (pg 10-13 and pg 11-11 last ¶);

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establishing a default route for the membership of the VLAN domain as determined by a virtual router with which the master VLAN is associated (pg 11-11 last ¶); and

routing traffic for the VLAN in accordance with the domain master VLAN's default route (pg 11-11 last ¶ and pg 11-13 "VLAN Aggregation Properties").

ExtremeWare fails to explicitly teach sending an SRP message from the master VLAN to the virtual router on behalf of the membership of the VLAN domain. However, firstly ExtremeWare does teach that the super VLAN acts "on behalf" of the member VLANs because SRP is enabled on the super VLAN (pg 10-13, first paragraph). Secondly, ExtremeWare teaches that it is the super VLAN (and not the member VLANs) that is assigned the IP address (pg 11-12). Therefore it would be obvious that the super VLAN sends messages on behalf of its member VLANs for the purpose of implementing standby routing procedures.

6. In reference to claim 2, Extremeware teaches the method of claim 1, wherein establishing the default route is further determined by a current master of the virtual router (pg 11-11 last ¶ and pg 11-13 "VLAN Aggregation Properties").

7. In reference to claim 3, Extremeware teaches the method of claim 1, further comprising re-establishing the default route for the membership of the VLAN domain as determined by a new master of the virtual router elected in accordance with the SRP (pg 10-3 and pg 10-6).

8. In reference to claim 5, Extremeware teaches the method of claim 1, wherein the SRP message is an Internet Protocol packet datagram unit (PDU) (pg 10-13).

9. In reference to claim 6, Extremeware teaches the method of claim 5, wherein the PDU contains parameter data about a status of an end-host in a member VLAN (pgs 10-13 to 10-15).

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10. In reference to claim 7, Extremeware teaches the method of claim 5, wherein the PDU contains parameter data about a status of a member VLAN in the VLAN domain (pgs 10-13 to 10-15).

11. In reference to claim 8, Extremeware teaches the method of claim 5, wherein the PDU contains parameter data about a status of the VLAN domain (pgs 10-13 to 10-15).

12. In reference to claim 9, Extremeware teaches the method of claim 1, wherein the member VLAN is a layer-2 subnet (pg 10-18 "Layer 2 Redundancy").

13. In reference to claim 10, Extremeware teaches the method of claim 1, wherein the domain master VLAN is a layer-2 subnet (pg 10-19 and pg 11-13).

14. In reference to claims 11-13, these are method claims that only add an element of an end-host, and correspond to the method claims of claims 1-3,5-10. Therefore, claims 11-13 are rejected based upon the same rationale as given for claims 1-3,5-10 above.

### ***Conclusion***

15. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008.

The examiner can normally be reached on M-F 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/  
Examiner, Art Unit 2457

October 22, 2008